

**Erica Warshawsky**

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**From:** "Kathleen Fitzgerald" <fitzgeraldproductions@yahoo.com>  
**Date:** Saturday, June 25, 2016 10:24 AM  
**To:** <ericaw@basslakewi.gov>  
**Subject:** Fw: Letter to BLT Board and Public Access Strip Property Owners: Judicial Decisions vs proposed Ordinance vs "Abandonment" - a Review/Update

On Saturday, June 25, 2016 12:31 AM, Kathleen Fitzgerald <fitzgeraldproductions@yahoo.com> wrote:

An Open Letter to Mr. Justin Hall and All Bass Lake Township Board Members  
and All Northwoods Beach Property Owners Abutting Public Access Reserve Strips

BLT Board Members and Northwoods Beach Neighbors:

Historically, in the court case of 1967, when my Dad and other neighboring residents along the Public Access Strip (PAS) differed in their expectations of what living there entailed -- the restrictions and obligations that affected their sense of privacy, safety and reasonable, anticipated liability issues as to the public use of their stairs and doc, they agreed to obtain a

"judicial decision" to attempt to correct the problem and ONCE and for all to settle the encroaching trespass vs. private property issue. Some folks, some kids, thought they had every right to cut across your yard to get to the water. Truthfully, we did sympathize, but trouble came with some of the

## 'visitors.'

It seemed at that point, no one was even aware that the PAS was under the management of BLT. Surprise surprise! One of our neighbors was so astonished by all this, that he approached the court to appeal for adverse possession! He couldn't believe the Township had a right to make any decisions; after all... we had the state law for that. So the judge explained to the neighbors who were able to attend the hearing, all about how the BLT was in charge of policing and managing issues pertaining to the PAS. OK...next was to decide what was to be done about the problems that came with the visitors...

Education of the public has now finally been imposed by way of the court mandates as to the 3 Rs: rights, responsibilities, and restrictions. So, we do NOT have to re-invent the wheel...We and the BLT now know what is required according to the State of WI. Laws of the Land and these laws have remained steadfast!

The judge had made it clear that since there was no apparent oversight of the BLT up to that point, and that unless it was a health, safety, vegetation debris or erosion hazard, we were all "grandfathered in" as to our stairs, boat houses, trolleys, docks, and fences, within the parameters, of course, of the State of WI Law.

(Many times, in the old ways of doing things, plans were explained or sites sometimes visited, and a verbal agreement and handshake was all it took to go ahead with an idea or plan.

Nothing on paper...no permits necessary.)

As owners, the Wise Bros.'s plan for a

"Northwoods Beach" sub-division - at their

## discretion - put aside sub-standard

parcels as they measured along at the irregular shoreline. The sub-standard parcels, roads and (PAS) roadways supposedly then defaulted to the Township to 'manage.' Thankfully, they left most of it 'natural' and unobtrusive.

It has been said that the Township's objectives were to maintain this natural setting with little - if any - encouragement promoting an increase in human impact on the lakes. We applaud that objective and wish to sustain it.

However, the BLT could be accused of going contrary to protective laws to now demand the removal of any structures which may "compromise the integrity of the slopes," e.g. fences, boat houses, trolleys, docks. We propose, therefore, that the BLT Board take another long hard look at the prospective ordinance and reconsider some "Blanks in the critical components" of 'demands to remove items' and subsequent 'enforcement and penalties.' We especially take issue with your enforcement protocol. This item needs to be revisited and a special advocacy panel put in place to assist in mitigating damage without prejudice.

We ask that you initiate a motion for an amendment for the purpose of improving the language of the ordinance and to refer these questions to a committee that includes residents, for the study and development of an improved proposal reflecting the laws of the State of WI. Either that, or move to postpone indefinitely to give the board a choice of different options, possibly "Abandonment" to the PAS property owners abutting the PAS or - conversely - a PAS resident-committee to assist in authoring an ordinance without discrimination, according to the standing laws of good stewardship as mandated by the court ruling, the DNR, and the State of WI. Laws of the Land. As it reads now, it is a flawed document riddled with legal argument.

Respectfully,

Kathleen Fitzgerald, CCSC Co-Chair